

Statement of Emery S. Wardwell 1st Lt. Co. B. 1st Regt.
Heavy Artillery Maine Vols; Dismissed the service of the
United States, by order of Gen Meade Comdg Army of the Potomac,
July 11th 1864 upon sentence of Gen. Court Martial convened by Special
Orders from Head Qrs. 3^d Division 2^d Army Corps. Taken from
notes made June 28th 1864

Commissioned by Gov of Maine as 2^d Lt. Company B. 18th Maine Regt Infy, afterward
changed to 1st Regt. Hvy Art. Maine Vols—Aug 1st 1862. Mustered into the
United States service Aug 21st 1862. Arrived at the defenses of Washington
D.C. Aug 27. /62. Was stricken with a fever, near Fort Gaines, about the 20th
of September. 62. and was sick till Nov 20th /62, the most of the time at Seminary
Hospital Georgetown D.C. Was not put on duty for ten days after returning to the
Regt. which was then at Fort Sumner (then called Fort Alexander) Md. Was
sick several times during the summer of 63 and finally fell sick Aug 23^d 1863
of Typhoid fever and Pneumonia. Was absent sick at this time sixty five days,
the most of the time at Seminary Hospital Georgetown D.C., and was not put
on duty during the the next fifteen days after my return to the Regt. which was
still at Fort Sumner Md. Have not been well since this fever it having
left me debilitated and very weak in the region of the lungs, so much so
that I could not march at a "double quick" without great distress in my side
and lungs and my Capt would excuse me from doing it while at the Fort.
Sometime in Feb. or March 1864 applied to Surgeon Paine for certificate of
disability upon which to base a resignation of my commission. He declined,
in an indirect manner to give it stating that I had not then recovered from
the fever weakness, and recommended some medicine for which, he sent to
Washington and for which I paid him \$2. I remarked to Surgeon Paine then
that if the Regt. was ordered to the field I could not stand more than
one days march. May the 15th 1864, we started for the "front". With much
difficulty I kept up with my company and performed my duties, both on the
marches and in battle till May the 21st /64 when I became thoroughly
exhausted and fell out a few yards in rear of where the Regt. halted and
built breast works at Milford Va. The 20th of May applied to Surgeon Elkins
for a certificate of disability but he refused to give it ~~without~~ giving me any
examination, except the tongue, although I desired it and informed him
that it would be impossible for me to keep up with my company and
perform my duties. After May 21st cannot in but a few instances
connect dates and places. Recollect of Surgeon Elkins ordering me to report
to Division Surgeon, and he examining my tongue and prescribing a lot of
medicine which I took and found harsh enough to incapacitate any man
for duty twelve hours, but he marked me "front", Being very much broken down
I didn't go which constituted disobedience of orders, one of the charges brought
against me. Surgeon Elkins was then present at the Division Hospital,
but refused to render me any assistance, medically. Dr. Lincoln
Ordered me into an ambulance at North Anna river and I stopped in it
about thirty six hours. This is the place where I was accused of "misbehavior
in the face of the enemy; pretending to be sick". At the time I left my
place in the company then I was sick, and had permission from Col Chaplin
to go and see Dr Lincoln. Our conversation was this: Col, I feel very sick can I
go and see Dr Lincoln. Yes and tell him to send me some Blue Mass Pills.

When I found Dr Lincoln I was considered sick enough by him for him
to order me to take some opium and lie down. I had been vomiting.
It was just as dusk of eve when I left my company, and I did not leave
from cowardice I thought I had established the fact before that I could do
my duty under fire, being ignorant that any one would say our Regt. was
under fire at any time during the evening I left it, as but one man was hurt and
he very slightly by a scattering piece of shell. From June 5th to 8th we had short
marches and I kept up with my Regt. and performed my duties going on
Picket 24 hours in the time. In view of these facts I claim:

1st That my absence without leave was unavoidable by reason of sickness caused by
fatigue and exhaustion, and that when I applied to Surgeon Elkins of my
Regt. he neither examined me as he should, nor gave me proper medical
treatment, nor a Surgeon's protection.

2^d That my disobedience to the orders of the Division Surgeon was not wilful, but that
I could not obey by reason of sickness.

Lastly That I certainly had liberty from Col Chaplin to go to see Dr
Lincoln at the time he accuses me of Misbehavior in the face of the
enemy, or I never should have gone.

Emery S. Wardwell

State of Me., Hancock ss. Aug. 18th 1864. Personally appeared Emery S. Wardwell - to me well known - and of good character & reputation, - and made oath
to the truth of the foregoing statement by him signed -

Before me. W. H. Filsberg

Justice of Peace

Statement of E.S. Wardwell
1st Lt. Co. G. 1st Me. Art
disgraced the Service of the U.
S. by order of Gen. Meade upon
Sentence of Gen. Court Martial
July 11th 1864.

Respectfully forwarded by
E.S. Wardwell

E.S. Wardwell
Affidavit of
1st Lt. 1st Me. Art

Wardwell & Ward